



30 June 2006

William J. Fees, P.E.
Toxics Cleanup Program
Washington Department of Ecology
4601 North Monroe Street
Spokane, Washington 99205

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DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Subject: Engineering Design Report, Consent Decree (CD 06-2-00034-6)
Lehigh Cement Company Closed Cement Kiln Dust Pile Site
Metaline Falls, Washington

Dear Mr. Fees:

On behalf of Lehigh Cement Company (Lehigh), GeoSyntec Consultants is pleased to submit the enclosed Engineering Design Report (EDR) for the Lehigh Closed Cement Kiln Dust Pile Site in Metaline Falls, Washington. The enclosed EDR was developed in accordance with the above-referenced Consent Decree (CD) and Washington Administrative Code, Section 173-340-400(4)(a). The EDR has been revised in accordance with your comments on the Draft EDR received via electronic mail on 2 June 2006 and our subsequent conversations.

In addition to the changes that were made to address your comments on the Draft EDR, an updated schedule is presented in this EDR that presents a plan for accomplishing a significant amount of construction in 2006. As you recall from our January 2005 meetings, we had discussed completing the Groundwater Remedy construction in 2006 based on an assumption that we would finalize the Cleanup Action Plan and CD by the fall of 2005. This would have given us several months over the winter and early spring of 2006 to complete the project documentation needed to construct the Groundwater Remedy and to bid and contract the construction for commencement of construction in spring 2006. However, we did not complete negotiations on the draft CAP and CD until January 2006, and those documents did not become final until 9 March 2006. At this point in time, the EDR and the NPDES permit still need to be finalized and the Construction Plans and Specifications, Compliance Monitoring Plan, and Operation and Maintenance Plan are being prepared in accordance with the CD schedule. As you know, the CD requires that these documents be prepared, reviewed, and approved before construction can begin.

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Like you, we are disappointed that the project did not progress through the various steps as quickly as we had hoped in January 2005. The current CD schedule estimates that construction could begin sometime in late November or December 2006. As we have previously discussed, Lehigh does not think it is feasible to construct the remedy during the winter months. Working hours at that time of year would have to be shortened significantly because daylight is so limited. Also, low temperatures and the likelihood that snow will be on the ground throughout the winter make the subsurface work more difficult and increase the health and safety concerns for workers. Finally, most of the treatment system components cannot be built until the streambank work is finished, so construction would have to shut down until the Washington Department of Fish and Wildlife (WDFW)-approved Work Window for work near Sullivan Creek opens in July 2007.

Even though we cannot complete construction in 2006 or begin construction over the winter, Lehigh shares Ecology's desire to move forward with construction. Lehigh's proposed estimated schedule is presented in Table 7-1 of the enclosed Final EDR and as an attachment to this letter. Instead of waiting for 2007 to begin constructing the Groundwater Remedy, Lehigh has developed a plan for completing a significant amount of construction in 2006. This plan is based on the following assumptions:

- Project documents pertaining to 2006 work can be submitted and approved by Ecology earlier than currently scheduled according to the CD. Before Lehigh can begin construction, Ecology must approve the Final EDR being submitted along with this letter, and the construction plans and specifications for the 2006 work. Construction of the 2006 items would need to begin by 15 September 2006 to allow sufficient time to complete construction by 15 October 2006. Thus, we would need Ecology to review and approve the plans and specifications for the 2006 work by 1 September 2006. We would also need Ecology to review and approve the Compliance Monitoring Plan by 15 September 2006.

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- Lehigh would submit the Operation and Maintenance Plan and project documents pertaining to the 2007 work slightly later than currently scheduled, but according to a schedule that would allow commencement of remaining construction activities in early spring of 2007.
- Lehigh submitted an erosivity waiver on 29 June 2006 that allows it to begin the proposed 2006 construction tasks even if its NPDES permit has not yet been issued.
- Lehigh will receive the building permit from Pend Oreille County to construct the foundation of the building expansion approximately two weeks after submitting the permit application.
- Lehigh is able to procure the necessary materials and retain qualified contractors to complete the proposed 2006 construction tasks.
- Lehigh receives approval from Washington State Department of Transportation for the work that will cross the State Route 31 right-of-way.

Table 7-1 shows how certain items would be completed even before the current CD schedule allows. Lehigh proposes to perform the following major construction items in 2006:

- Preliminary site preparation for the 2006 construction tasks;
- Construct the foundation for the building expansion;
- Evaluate the building utilities and upgrade if necessary;
- Install the gravity drain; and
- Prepare the site for 2007 work, including limited grading and site contouring.



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These items were selected for construction in 2006 because they can be implemented as discrete construction tasks, the items can be designed and implemented relatively rapidly, and a costly and inefficient second mobilization of personnel and equipment could be avoided.

After much careful thought, Lehigh has concluded that it is neither possible nor recommended to construct other items this year. Beginning construction of the funnel-and-gate system in 2006 would be inefficient and costly, but more importantly, there is not enough time to finish the design and procure the materials we would need to start the work in 2006. There is still a significant amount of design work that must be completed and approved before Lehigh can begin constructing any part of the funnel-and-gate system, including the streambank stabilization measures that are to be constructed during the WDFW-approved Work Window of 1 July through 31 August. In fact, Lehigh and Ecology are still coming to a resolution of the streambank stabilization measures that are appropriate for this Site. In addition, some of the materials that will be used to construct the system, including the carbon dioxide tank, buried pipes, and tubing, are specialty items that will have to be ordered eight to twenty weeks in advance. It is too late to order and receive these materials for construction in 2006.

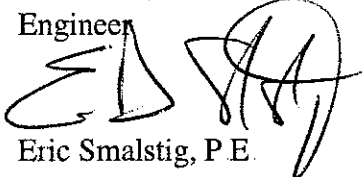
Please do not hesitate to contact either of the undersigned if you have questions or comments.

Sincerely,



Brian Petty, P.E.

Engineer



Eric Smalstig, P.E.

Project Manager

Attachment: Table 7-1 – Groundwater Remedy Proposed Revised Schedule

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Copy to: Elizabeth Mikols, Lehigh Cement Company
Tanya Barnett, Esq , Cascadia Law Group
Hank Landau, Ph.D., P.E , Geosphere
Andrew Fitz, Esq , Washington State Attorney General's Office

